

REMARKS

Claims 45-50, 53 and 54 are pending in the application.

Claims 45-50, 53 and 54 are rejected.

Claims 49, 50, 53, and 54 have been cancelled.

Claims 45-48 have been amended.

Claims 55-58 are new.

All amendments are made in a good faith effort to advance the prosecution on the merits. Applicant reserves the right to subsequently take up prosecution on the claims as originally filed in this or appropriate continuation, continuation-in-part and/or divisional applications.

Applicant respectfully requests that the amendments submitted herein be entered, and further requests reconsideration in light of the amendments and remarks contained herein.

Objection to Specification

The Examiner objected to the disclosure due to numerous informalities. In response, the disclosure has been amended to remedy the informalities as helpfully suggested by the Examiner.

Objection to Claims

5. Claims 45, 46, 53, and 54 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 47-50. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim.. See MPEP § 706.03(k).

Applicant respectfully disagrees. Claims 45 and 47, as amended, and each of the dependant claims that depend from Claims 45 and 47 include different limitations. Specifically, claim 45

requires that one or more steps be performed by a personal base service provider while claim 47 requires that one or more steps be performed by a company base service provider.

Therefore, Claim 45 and 47, as amended, and the dependant claims that depend from Claims 45 and 47 are neither duplicates nor “so close in content that they both cover the same thing.” Applicant respectfully requests that the Examiner withdraw the objection to the claims.

Claim Rejections – 35 U.S.C. §112

Claims 45 and 47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 45 and 47 (a) recites “placing a request post onto said personal base instance by said user; (b) broadcasting said request post to at least one company base process provider by said personal base server.” It is very vague and unclear as to what applicant means by “placing a request post” and “... said request post.” Does Applicant mean “posted request”?

The term “request post” is discussed, *inter alia*, in paragraph 35 of the Specification. The claims, however, have been amended to make the claim more consistent with the language in paragraph 35 of the Specification, which refers to a “request post” as a “request posting.”

It is unclear from Applicant's claim language and Specification what Applicant means by “personal base instance”, “company base process”, “personal base server”, and “company base server”. Applicant can be his own lexicographer, however, the terminology must be able to be understood from reading Applicant's Specification.

Applicant has amended the claims to clarify any uncertainty. Each of these terms are described in the specification. The term “personal base” is discussed in, *inter alia*, paragraph 26 of the Specification. “Personal base instance” is an instance of a personal base and is discussed in the specification at, *inter alia*, paragraph 12. “Personal base server” is described in the specification in, *inter alia*, paragraph 31 and Figure 2. “Company base server” is describe in the specification in, *inter alia*, paragraph 32.

Claims 49, 50, 53 and 54 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which Applicant regards as the invention. In particular, Claims 47-50, 53, and 54 are not sufficiently precise due to the combining of two separate statutory classes of invention in a group of claims. The preamble of claims 47 and 48 refers to a method and the preamble of claims 49, 50, 53, and 54 refer to a system and subsequently the claims deal with the specifics of a system (ex. "node of said system in communication with said personal base server").

Applicant has canceled claims 49, 50, 53, and 54.

Claim Rejections – 35 U.S.C. §102

Claims 45, 46, 47, and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by (US 6,055,513) Katz et al, hereafter Katz.

Claims 45 and 47. Katz teaches, A method of executing a financial transaction on a computer system between a user and a third party, said computer system having a personal base instance for said user, a personal base server for said personal base instance, a personal base provider for said third party, and a financial institution, said method comprising the steps of: (a) placing a request post onto said personal base instance by said user (col. 1, lines 20 42); (b) broadcasting said request post to at least one personal base process provider by said personal base server (col. 8, line 46 col. 9, line 5, col. 17, lines 15 36 and fig. 3 (132 server base); (c) posting supply responses to said personal base server by said at least one personal base process provider (col. 9, lines 22 42, col. 10, lines 25 45, and fig. 5 (180 website); (d) comparing said responses to said request (col. 16, lines 32 63); (e) determining if a match was found between said responses and said request (col. 16, line 64 col. 17, line 14); (f) if a match was found in said step (e), then prompting said user to confirm a transaction (col. 17, line 23 col. 18, line 15 and col. 22, lines 46 67); (g) if said user confirms said transaction, then sending data about said transaction to said financial institution (col. 18, line 40 col. 19, line 15); (h) determining by said financial institution if said transaction is executable (col. 18, line 49 col. 19, line 15); and (i) if said transaction is executable, then executing said transaction (col. 19, lines 24 58).

Claims 46 and 48. Katz teaches, The method of claim 45, wherein if said transaction is not executable, then sending a disapproval message to said user (Col. 21, lines 33 54).

Applicant respectfully disagrees. Katz discusses methods and apparatus that "relate to the selection and offering of an upsell transaction, namely where the product or service offered differs materially from the product or service for which the contact was made." Col. 1, lines 13-

17. Katz, however, fails to disclose or hint at “placing a request post onto said personal base instance by said user,” as required by each of the claims. According to the specification “a personal base . . . is a software process that has a persistent presence on a wide area network, such as the Internet . . which act[s] as a persistent network agent to perform various tasks for or on behalf of the user.” Specification, paragraph 26. The cited portion of Katz discusses a telemarketing system which lacks a “persistent network agent to perform various tasks for or on behalf of the user.” Specification, paragraph 26. Therefore, Katz fails to disclose or hint at each limitation of the claims, as amended.


SUMMARY

In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding objections and rejections are respectfully requested. It is further submitted that the application is now in condition for allowance and early notice of the same is earnestly solicited. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile or electronic mail, as below.

Enclosed is check #934537 in the amount of \$510.00 (Small Entity) for the three month extension of time. Should the Commissioner deem any additional fees are due, the Commissioner is hereby requested to accept this as a Petition Therefore, and is authorized to charge any additional fees due, or to credit any overpayment, to Baker Botts L.L.P. Deposit Account No. 02-0383, Order Number 068508.0110.

Respectfully Submitted,

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Date: July 25, 2005